

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - DPW

DATE: OCTOBER 26, 2012

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
MONROE
CONOVER
WOOD
TAYLOR
FRASIER
DICKINSON
MASON

COMMITTEE MEMBER ABSENT:

SUPERVISOR MERLINO

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
DANIEL G. STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER

SUPERVISORS GIRARD
LOEB
MCDEVITT
STRAINER
SOKOL
THOMAS

DR. FREDD SENSER-LEE, FOUNDER, BOTANICAL BLOSSOMINGS ON THE
BIKEWAY - USA

DON LEHMAN, *THE POST STAR*

AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Bentley called the meeting of the Public Works Committee to order at 9:48 a.m.

Motion was made by Mrs. Wood, seconded by Mr. Taylor and carried unanimously to approve the minutes from the prior Committee meeting, subject to the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the agenda to the Committee members; *a copy of the agenda is also on file with the meeting minutes.*

Commencing his review, Mr. Tennyson advised the first agenda item referred to a request from Dr. Fredd Senser-Lee to address the Committee relative to the Botanical Blossomings on the Bikeways - USA program he had founded. Dr. Senser-Lee proceeded to provide an update on the status of his project, advising that it was now listed on the New York State Department of Parks & Recreation website, as well as on the Warren County Tourism website through the project's connection with the Warren County Historical Society which would be planting the County's designated flower, the Black-Eyed Susan, along the Warren County Bikeway.

Mr. Tennyson advised the next agenda item pertained to the DPW Overtime Report, which was included on page 1. He pointed out that the Report included the overtime incurred for the Adirondack Balloon Festival, which was consistent with the overtime use for previous years. Referring to the Fuel Report, which was included in the agenda packet beginning on page 2, Mr. Tennyson announced they continued to operate well below budget for fuel costs, and unless an unforeseen event occurred before the end of the year, he anticipated that a budget surplus would be realized. He stated that he had advised the Budget Officer of the potential for remaining funds in the 2012 fuel budget.

Continuing, Mr. Tennyson directed the Committee members to agenda page 5 which reflected a request for an inter-municipal agreement with the Village of Lake George for a sanitary sewer main replacement as part of the Beach Road (CR51/6) Reconstruction Project. He explained that the sewer line in question had previously been identified as an "orphan line" because it had been unclaimed by any municipality; he added that the Village of Lake George

had only recently advised they would accept ownership of the sewer main. Mr. Tennyson further explained that the sewer line replacement would be primarily grant funded and the Village of Lake George had agreed to provide the Local Share match, which he estimated to be \$15,000. He advised that he had been working with the County Attorney's Office to draft the inter-municipal agreement which would be forwarded to the Village of Lake George in the near future.

Motion was made by Mrs. Wood and seconded by Mr. Mason to approve the aforementioned request.

Mr. Mason questioned how the sewer line was currently being used and Mr. Tennyson responded that the Fort William Henry was the primary user of the sewer line, but noted that it was also used by a miniature golf course business located adjacent to West Brook Road. Mr. Tennyson said that the sewer line replacement would require the Fort William Henry to install a small pump station because the line was not gravity-fed.

Following a brief discussion on the matter, Mr. Bentley called the question and the motion was carried unanimously to approve an inter-municipal agreement with the Village of Lake George, as outlined above, and the necessary resolution was authorized for the November 16th Board Meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced the next agenda item pertained to the status of the MOU (Memorandum of Understanding) for plowing of the NYSDEC (New York State Department of Environmental Conservation) owned portion of Beach Road. He said that the MOU had been forwarded to NYSDEC and it was his understanding that the agreement had been approved, although the executed document had not yet been returned. Mr. Tennyson advised that he would consider the matter to be successfully resolved because they had been working on establishing this agreement with NYSDEC for a long time.

Mr. Dickinson questioned whether the County would receive any financial restitution for the plowing work and Mr. Tennyson replied in the negative, advising that the agreement would only indemnify the County of any liability in relation to plowing and winter weather related services. He continued that when the issue first arose in 2010, it was noted that NYSDEC did not have a funding source for plowing services but it was determined that the County should continue to plow the NYSDEC section of Beach Road because it was a critical connection to the Town and Village of Lake George. Mr. Dickinson then questioned whether NYSDEC might consider relinquishing their ownership for that stretch of road to the County and Mr. Tennyson responded that there were other cases where highway extending through lands designated as "Forest Preserve" was owned by the respective municipality and he said that although he did not think the County would be opposed to this idea, he did not know what NYSDEC's opinion on the matter would be.

The next agenda item, Mr. Tennyson advised, pertained to discussion on the Corinth Road Project eminent domain proceedings litigation and he noted that an executive session would be necessary to address this matter. Mr. Tennyson advised he would prefer to finish his agenda review and hold the executive session at the end of the meeting and the Committee agreed.

Mr. Tennyson proceeded to present three requests for transfers of funds, represented on agenda pages 6, 7 and 8. The first request, he said, was to transfer \$3,700 from Code A.7110 130, Parks & Recreation, Salaries-Regular, to Code A.7110 120, Parks & Recreation, Salaries-Overtime. Mr. Tennyson explained that employee injuries were causing additional overtime costs to be incurred, specifically at the Fish Hatchery, necessitating a reallocation of salary funding; he clarified that the funds identified for transfer were budgeted amounts that would not cause any budget increases.

Motion was made by Mr. Conover, seconded by Mrs. Wood and carried unanimously to approve the request for a transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Mr. Tennyson apprised that the second transfer of funds requested was in the amount of \$3,018.92 from Code A.1990 439, Contingent Account, Misc Fees & Expenses, to Code A.7113 439, Railroad, Misc Fees & Expenses. He reminded the Committee that during the prior year, the County had accepted an insurance reimbursement from NYMIR in connection with a fire at the "White House" building used by the Saratoga North Creek Railway (SNCR) in connection with the North Creek Rail Station. Mr. Tennyson advised that when the insurance funds were received, they were placed in a restricted reserve fund for Railroad use, subsequent to which it was determined that the County should not have accepted the funds at all because SNCR had accepted responsibility for the property as part of the Railroad Operator Contract. The problem, he stated, was that because the funds were placed in a restricted reserve fund, they could not be removed; he added that in discussing the matter with the Treasurer's Office, he had been advised that the funds should be transferred from the Contingent Account for return to NYMIR.

Motion was made by Mr. Conover, seconded by Mr. Dickinson and carried unanimously to approve the request for a transfer of funds, as outlined above, and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

The final transfer of funds request, Mr. Tennyson advised, was in the amount of \$109.41 from Code A.5610 120, Airport (DPW), Salaries-Overtime, to Code A.5610 130, Airport (DPW), Salaries-Part Time. He explained that the transfer was necessary to cover the salary of an employee that had worked during the Balloon Festival event and he noted that salary expenses related to the annual Balloon Festival event were not usually budgeted for.

Motion was made by Mr. Conover, seconded by Mr. Dickinson and carried unanimously to approve the request for a transfer of funds, as outlined above, and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Concluding the agenda review, Mr. Tennyson addressed the Referrals section, as follows:

1. Mr. Tennyson advised the MOU for plowing of the NYSDEC-owned portion of Beach Road had been addressed earlier in the meeting and he requested that the item be removed from the Referral List, noting that if any additional issues occurred he would bring the matter back for further Committee review; and
2. Relative to the development of a conceptual layout, construction costs and anticipated revenues for construction of additional parking areas along West Brook Road, Mr. Tennyson advised his Engineering staff had already completed a layout for the additional parking proposed but continued to work on cost and revenue estimates. He noted that the proposal would not be as simple to implement as initially anticipated because there were drainage structures that would be affected and needed to be extended, or moved.

Motion was made by Mr. Dickinson, seconded by Mr. Monroe and carried unanimously to declare an executive session to discuss pending eminent domain litigation proceedings, pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 10:00 a.m. to 10:10 a.m.

Upon reconvening, Mr. Bentley announced that no action had been taken during the executive session.

Mr. Dusek noted weather advisories and the potential for flooding were being made in connection with an upcoming storm expected for early the following week. He noted prior flooding and culvert issues associated with the rail line and he questioned whether SNCR had been contacted to ensure there was no debris clogging the culverts which might cause damages if the storm were to occur. Mr. Tennyson responded affirmatively, advising that his staff had been in contact with SNCR representatives to make advisements on this matter. Mr. Dusek noted that although the Railroad Operator Contract made SNCR responsible for damages to the rail line, it also provided them with the potential to abandon the contract if a major disaster were to occur, and they should try to make every attempt to avoid this situation. Mr. Tennyson advised that the DPW staff were experienced in dealing with storm damage and flooding and were preparing for the anticipated inclement weather, ensuring that the County Fuel Farms had ample fuel to supply all of its users and distributing cones and barrels to the remote DPW Shops to ensure that all were prepared for the projected storm.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mr. Mason, Mr. Bentley adjourned the meeting at 10:12 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board